

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DEMETRIA CLARE-LUNNY

Plaintiff,

-v.-

Civil Action No.
6:14-cv-425 (GLS/ATB)

LUCILLE SOLDATO, Commissioner
"Employee" of Department of Social
Services

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

DEMETRIA CLARE-LUNNY
Pro Se
1309 Elm Street
Private #1 Cottage
Utica, New York 13501

GARY L. SHARPE,
CHIEF JUDGE

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge Andrew T. Baxter, duly filed June 16, 2014. Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the

Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED that the Report-Recommendation of Magistrate Judge Andrew T. Baxter filed June 16, 2014 (Dkt. No. 4) is ACCEPTED in its entirety for the reasons stated therein; and it is further

ORDERED that this action is DISMISSED SUA SPONTE WITH PREJUDICE for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) with respect to plaintiff's claims of verbal harassment or mistreatment by defendant or any other DSS employee; and it is further

ORDERED that this action be DISMISSED SUA SPONTE WITHOUT PREJUDICE and with LEAVE TO AMEND TO STATE A CLAIM FOR A DUE PROCESS or DISABILITY DISCRIMINATION as outlined in the Report-Recommendation; and it is further

ORDERED that plaintiff is granted leave to file an amended complaint as set forth in the Report-Recommendation **within thirty (30) days** from the date of the filing of this Order; and it is further

ORDERED that in the event plaintiff fails to file a signed amended complaint **within thirty (30) days** from the date of the filing of this Order, the Clerk shall enter judgment dismissing this action without prejudice; and it is further

ORDERED that the Clerk provide a copy of this Order to the parties in

accordance to the local rules.

IT IS SO ORDERED.

Dated: July 11, 2014
Albany, New York



Gary L. Sharpe
Chief Judge
U.S. District Court